

PATENT
Customer No. 22,852
Attorney Docket No. 05793.3031-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Mayur MANIAR et al.)	Group Art Unit: 3621
)	
Serial No.: 09/651,320)	Examiner: B. Bayat
)	
Filed: August 31, 2000)	
)	Confirmation No.: 3899
For: METHOD FOR ESTABLISHING A)	
CREDIT LIMIT)	Mail Stop After-Final
)	
)	
)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request a pre-appeal brief review of the Final Office Action dated July 5, 2005. This Request is being filed concurrently with a Notice of Appeal and a one month extension of time fee payment.

I. Requirements For Submitting a Pre-Appeal Brief Request for Review

Applicants have met each of the requirements for a pre-appeal brief review of rejections set forth in an Office Action. This application has been at least twice rejected, and Applicants have filed a Notice of Appeal, but not yet an Appeal Brief, with this Request. Lastly, Applicants submit a Pre-Appeal Brief Request for Review that is five (5) or less pages in length and sets forth legal or factual deficiencies in the rejections. See Official Gazette Notice, July 12, 2005.

Applicants have met each of these requirements and therefore requests review of the Examiner's rejections in the Final Office Action of July 5, 2005, for the following reasons.

II. Invention Summary

Independent claims 1, 12, 17, 19, and 21 are patentably distinguishable from the cited references. For example, claim 1 recites a method of providing a credit card, comprising “associating a financial account with an un-activated credit card that is provided to an applicant, wherein the associating is performed by a computer system configured to communicate with the applicant over a communication network,” “analyzing, by the computer system, a first response to a first risk splitting question provided to the applicant,” “generating, by the computer system, a second risk splitting question based on the first response for provision to the applicant, the second risk splitting question being configured to elicit additional information regarding subject matter associated with the first response,” “determining, by the computer system, a credit limit for the financial account based on the first response and a second response by the applicant to the second risk splitting question,” and “activating, by the computer system, the credit card with the credit limit.”

III. The Rejection of Claims 1-39 under 35 U.S.C. § 103(a) is Legally Deficient

In the Final Office Action, the Examiner rejected claims 1-39 under 35 U.S.C. § 103(a) as being unpatentable over Buchanan (U.S. Patent No. 5,950,179) and Walker (U.S. Patent No. 6,088,686). The Examiner’s rejection of claims 1-39 is legally deficient for the reasons below.

A. The cited art references do not teach associating a financial account “with an un-activated credit card that is provided to an applicant,” as recited in claims 1 and 12.

Claim 1 requires “associating a financial account with an un-activated credit card that is provided to a client” and claim 12 requires “generating a financial account associated with an un-activated credit card that is provided to an applicant.” In rejecting claims 1 and 12, the Examiner specifically relies upon *Buchanan* for these claimed features:

Buchanan discloses a method for providing and activating an advance credit card to a customer with an initial modest credit limit that may be activated by the customer or upon further satisfaction of various factors can be assessed to increase the credit limit and then activated (column 3, lines 1-65).

(O.A. at p. 2.) In contrast to the claims and the Examiner's allegations, however, *Buchanan* expressly teaches providing an activated credit card to the customer.

Buchanan discloses a method of issuing a secured credit card where a bank sends solicitations to potential applicants. One may respond to the solicitation via telephone, the Internet, or other means. (Col. 2, line 56 - col. 3, line 1.) The response may include a signed reply card or a consent to receive a credit card and to make a deposit in a savings account to secure the card. (Col. 3, lines 1-4.) Based on the response, the soliciting bank enters information about the applicant into an application processing system to verify the information provided by the applicant. This may include requesting additional documentation, such as identification information. (Col. 3, lines 13-24.) Once approved, the bank provides the applicant an activated credit card. (Col. 3, lines 25-39.) Subsequently, the bank tracks the status of the credit card and savings account to, if necessary, recalculate the credit limit and status of the card. (Col. 3, line 40 - col. 4, line 7.)

Accordingly, *Buchanan* does not disclose or suggest associating a financial account "with an un-activated credit card that is provided to an applicant," as required by claims 1 and 12. In contrast, *Buchanan* states that the credit card provided to the applicant is "approved," "printed," and "issued"—i.e., it is already activated. (Col. 3, lines 25-27.) The applicant may thus "use[] the advance credit card" without any activation process. (Col. 3, lines 30-37.) Indeed, at step 32, *Buchanan* describes that the customer may readily use the provided credit card. (Col. 4, lines 49-53.) Thus, the credit card provided to the applicant in *Buchanan* is initially activated, not "un-activated."

Further, *Walker* does not cure the deficiencies of *Buchanan*. *Walker* discloses an automated on-line process for review and approving credit card applications. (Col. 5, lines 55-67.) Indeed, the Examiner applies *Walker et al.* only for the purported disclosure of factoring a customer's "maximum debt burden" in determining a credit limit. (O.A. at p. 3). Nothing in *Walker*, thus, suggests that the card sent in *Buchanan* should be un-activated.

Therefore, the Examiner's allegation that *Buchanan*, taken alone or with *Walker*, discloses the feature of associating a financial account "with an un-activated credit card that is provided to an applicant," as required by claims 1 and 12, is legally erroneous.

B. The cited references do not teach the limitations associate with the claimed “first risk splitting question” and “second risk splitting question.”

Claims 1, 12, 17, 19, and 21 require analyzing a first response to a first risk splitting question and generating a second risk splitting question based on the first response, where the second risk splitting question is configured to elicit additional or detailed information regarding subject matter associated with the first response or the first risk splitting question. The Examiner admits that *Buchanan* fails to teach these features. (See O.A. at p. 2-3.)¹ To cure this deficiency, the Examiner applies *Walker*. However, *Walker* also fails to teach this recitation.

Walker discloses processing a credit card application based on information either contained in the applicant’s credit card application or gathered from internal or external sources, such as a credit reporting agency. (See Fig. 41, steps 2048 and 2032.) Thus, in *Walker*, any and all information provided by the applicant is contained on the submitted application. (See, e.g., Fig. 40, step 2002.) Further, *Walker* does not disclose analyzing any of this application information as part of “generating a second risk splitting question” based on the information the applicant provided on the application. Instead, *Walker* discloses that any additional information aside from what has been captured by the submitted application is gathered only from sources other than the applicant. (See, e.g., Fig. 41, step 2048.)

In fact, beyond merely alleging that *Walker* discloses factors beyond those disclosed in *Buchanan* for determining a credit limit, the Examiner has pointed to absolutely no evidence disclosing or suggesting a second risk splitting question based on an applicant’s response to a first risk splitting question. (O.A. at 3.)

¹ In the Final Office Action, the Examiner characterizes “risk splitting questions” as purportedly “defined by applicant.” Applicants, however, decline to subscribe the Examiner’s characterization.

Accordingly, *Buchanan* and *Walker*, taken alone or in combination, do not disclose or suggest "a first risk splitting question" and, based on the applicant's response, "generating a second risk splitting question" to elicit additional or detailed information regarding subject matter associated with the first response or the first risk splitting question. As a result, the Examiner's rejection of claims 1, 12, 17, 19, and 21 is legally deficient.

Claims 2-11, 13-16, 18, 20, and 22-39 depend from at least one of claims 1, 12, 17, 19, and 21 and are therefore also distinguishable for the reasons given above with respect to claims 1, 12, 17, 19, and 12.


IV. Conclusion

In light of the above arguments and those presented in the Request for Reconsideration filed on September 7, 2005, Applicants submits that the outstanding rejection is legally deficient. Therefore, Applicants respectfully request that the rejection of claims 1-39 be reconsidered and withdrawn, and the claims allowed.

Respectfully submitted,

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Dated: November 7, 2005

By: 
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